

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DIANE WAGGONER,

Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES
LLC,

Defendant.

MEMORANDUM DECISION AND
ORDER TAKING UNDER
ADVISEMENT PLAINTIFF'S
MOTION TO STRIKE AND
DEFENDANT'S MOTION FOR
LEAVE TO FILE OUT OF TIME
AND SETTING HEARING

Case No. 2:05-CV-96 TS

This matter is before the Court on a number of pending motions. The Court will take Plaintiff's Motion to Strike and Defendant's Motion for Leave to File Out of Time under advisement. The Court will also set a hearing date for oral argument on Plaintiff's Motion to Strike, Defendant's Motion for Leave to File Out of Time, and Defendant's Motion for Summary Judgment.

On August 11, 2005, the Court entered a Scheduling Order.¹ That Order established a motion cut-off date of February 27, 2006, and set a two-day jury trial for July 10, 2006.² On February 24, 2006, the parties submitted a stipulated Motion for Extension of Time, which sought an additional 45 days to file dispositive motions.³ That Motion was granted on February 28, 2006.⁴ In addition, Plaintiff has sought to extend the deadline to obtain an expert report.⁵

On May 15, 2006, Defendant filed a Motion for Summary Judgment.⁶ On May 18, 2006, Defendant filed a Motion for Leave to File its Motion for Summary Out of Time.⁷ That same day, Plaintiff sought to strike the Motion for Summary Judgment as being untimely.⁸

The Court will take Plaintiff's Motion to Strike and Defendant's Motion for Leave to File Out of Time under advisement. Further, the Court directs Plaintiff to respond to Defendant's Motion for Summary Judgment by June 9, 2006. By so ordering, the Court does not rule on either Plaintiff's Motion to Strike or Defendant's Motion for Leave to File Out of Time. Rather, the Court will entertain oral argument on the three pending motions during the final pretrial conference set for June 19, 2006, at 3:00 p.m.

¹Docket No. 14.

²*Id.*

³Docket No. 23.

⁴Docket No. 24.

⁵Docket Nos. 25 and 30.

⁶Docket No. 36.

⁷Docket No. 38.

⁸Docket No. 39.

It is therefore

ORDERED that Plaintiff's Motion to Strike (Docket No. 39) is TAKEN UNDER
ADVISEMENT. It is further

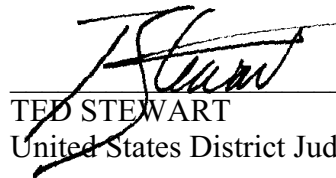
ORDERED that Defendant's Motion for Leave to File Out of Time (Docket No. 38) is
TAKEN UNDER ADVISEMENT. It is further

ORDERED that Plaintiff respond to Defendant's Motion for Summary Judgment (Docket
No. 36) by June 9, 2006. It is further

ORDERED that the Court will hear oral argument on these motions during the final
pretrial conference on June 19, 2006, at 3:00 p.m.

DATED May 30, 2006.

BY THE COURT:



TED STEWART
United States District Judge